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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 KIMBERLY DAUBNER)

11 Plaintiff,)

12 v.)

13 SMITH & NEPHEW, INC., aka SMITH &)
14 NEPHEW RICHARDS, INC.,)

15 Defendants.)
16)
17)

Civil No. 06cv2461 L (NLS)

**ORDER RE: JOINT MOTION TO
AMEND FIRST AMENDED
SCHEDULING ORDER;**

[Doc. No. 17]

**SECOND AMENDED SCHEDULING
ORDER**

18 Before the Court is a Joint Motion to Amend the First Amended Scheduling Order [Doc.
19 No. 17], in which the parties request for a third time the extension of remaining discovery
20 deadlines and the pre-trial motions filing deadline in this case. The Court denied the parties' first
21 request of May 8, 2007 [Doc. No. 13] because they failed to state any good cause in their joint
22 motion to support the requested continuance. In its order denying the motion, the Court warned
23 the parties that any future requests for extensions of scheduling order deadlines would have to be
24 supported by good cause and a report of the specific discovery conducted. (*See May 10, 2007*
25 *Order Denying Joint Motion*, Doc. No. 14.) On May 14, 2007, the parties filed an Amended Joint
26 Motion [Doc. No. 15], once again seeking the scheduling order deadline extensions, in which they
27 set forth some good cause for the request, but failed to report on discovery. The Court granted a
28 continuance of only thirty days instead of the requested ten weeks, and ordered that any future

1 requests to continue dates would require the personal appearance of the parties' counsel in Court, a
 2 sufficient showing of good cause and a detailed list of the discovery undertaken. (*See May 16,*
 3 *2007 Order Granting Amended Motion in Part*, Doc. No. 16.)

4 On May 25, 2007, the parties filed the Joint Motion currently before the Court. A
 5 hearing on the motion was held on June 12, 2007. Based on the oral representations made by
 6 counsel for the parties during the hearing, and good cause appearing, the Joint Motion [Doc. No.
 7 17] is **GRANTED** in substantial part, and **IT IS HEREBY ORDERED THAT:**


- 8 1. Plaintiff shall provide the component part at issue to Defendants on or before
 9 June 22, 2007.
- 10 2. Plaintiff shall designate her respective experts in writing on or before
 11 June 22, 2007. Plaintiff must identify any person who may be used at trial to
 12 present evidence pursuant to Rules 702, 703 or 705 of the Fed. R. Evid. This
 13 requirement is not limited to retained experts.
- 14 3. Defendants shall complete their examination of the component part at issue on or
 15 before July 22, 2007.
- 16 4. Defendants shall designate their respective experts in writing on or before August
 17 1, 2007. Defendants must identify any person who may be used at trial to present
 18 evidence pursuant to Rules 702, 703 or 705 of the Fed. R. Evid. This requirement
 19 is not limited to retained experts.
- 20 5. The date for exchange of rebuttal experts shall be on or before August 20, 2007.
 21 The written designations shall include the name, address and telephone number of
 22 the expert and a reasonable summary of the testimony the expert is expected to
 23 provide. The list shall also include the normal rates the expert charges for
 24 deposition and trial testimony.
- 25 6. On or before September 28, 2007, each party shall comply with the disclosure
 26 provisions in Rule 26(a)(2)(A) and (B) of the Federal Rules of Civil Procedure.
 27 This disclosure requirement applies to all persons retained or specially employed to
 28 provide expert testimony, or whose duties as an employee of the party regularly

involve the giving of expert testimony.

7. Any party shall supplement its disclosure regarding contradictory or rebuttal evidence under Rule 26(a)(2)(c) on or before **October 19, 2007**.
8. All discovery, including experts, shall be completed by all parties on or before **December 26, 2007**. "Completed" means that all discovery under Rules 30-36 of the Federal Rules of Civil Procedure, and discovery subpoenas under Rule 45, must be initiated a sufficient period of time in advance of the cut-off date, *so that it may be completed* by the cut-off date, taking into account the times for service, notice and response as set forth in the Federal Rules of Civil Procedure. Counsel shall promptly and in good faith meet and confer with regard to all discovery disputes in compliance with Local Rule 26.1(a). All discovery motions shall be filed within 30 days after counsel have met and conferred and reached an impasse with regard to any particular discovery issue, but in no event shall discovery motions be filed more than 30 days after the close of discovery.
9. All other pretrial motions must be filed on or before **January 25, 2008**. Please be advised that counsel for the moving party must obtain a motion hearing date from the law clerk of the judge who will hear the motion. Be further advised that the period of time between the date you request a motion date and the hearing date may vary from one district judge to another. Please plan accordingly. Failure to make a timely request for a motion date may result in the motion not being heard.
10. All non-conflicting provisions in the Court's February 16, 2007 Scheduling Order shall remain in full force and effect.

IT IS SO ORDERED.

DATED: June 12, 2007


 Hon. Nita L. Stormes
 U.S. Magistrate Judge